



City of Malibu News

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COASTAL DEVELOPMENT PERMITS APPLICANTS FACE ANOTHER SETBACK

Malibu, California (June 26, 2003) – The Superior Court denied today the City of Malibu’s request to issue coastal development permits (CDPs) to applicants at the same time that the City is appealing the Court’s recent ruling regarding Malibu’s local coastal program (LCP). As a result, Malibu residents and local business owners seeking permits are left without a place to go to apply for CDPs.

“The Court’s decision is a setback to permit applicants who are the innocent bystanders in this dispute between the Coastal Commission and the City of Malibu. The City was acting in the best interest of its residents and local business owners by asking the Court to temporarily allow us to issue permits during the appeals process,” remarked Mayor Ken Kearsley, City of Malibu. “We have done everything within our power to enable the people who are in the process of building to get a coastal development permit. Now they are going to have to go straight to the Coastal Commission for solutions.” The California Coastal Commission, which previously issued CDPs, did not oppose the City’s request to serve as the interim issuing agency. The Commission, however, stated its unwillingness to continue issuing permits during the appeals process.

The recent round of court action steps from a recent case in which the Superior Court determined that the LCP prepared by the Coastal Commission was not subject to local voter referendum. The City has appealed that decision. A stay was automatically triggered by the filing of an appeal – stripping the City of its mandated power (under the disputed LCP) to issue CDPs for the community. According to the rules governing the appeals process, one must either comply with a court order or appeal it.

The Coastal Commission then filed a petition requiring the City to issue CDPs based on the LCP imposed by the Coastal Commission. The Court granted that petition. Therefore, the City cannot move forward with its appeal and at the same time issue CDPs – unless the Court granted relief from the stay sought by the City. In

order to sustain its appeal on the referendum issue, the City asked for that relief. Today's ruling denied relief after a small group calling themselves Taxpayers for Livable Communities (TLC), functioning primarily through their lawyers, intervened by filing a brief opposing the City's request. TLC has previously filed and lost three lawsuits against the City. TLC also intervened in the lawsuit between the City and the Coastal Commission in order to prevent the City from holding an election on the referendum petition, even though more than 20% of registered voters signed the referendum petition in just a couple of weeks time.

"It's especially frustrating when the Coastal Commission is not opposing the City's efforts, and yet an unidentifiable group, Taxpayers for Livable Communities, is busy setting up legal road blocks to stop Malibu citizens from building their homes," stated Mayor Ken Kearsley.

"The City is really stuck between a rock and a hard place," stated Mayor Pro Tem Sharon Barovsky, City of Malibu. "We were willing to take on the responsibility to help Malibu residents and local business owners by issuing permits and at the same time continue our fight for our community to adopt its own local coastal program. It's a complex legal situation and we will be exploring all of our options." The City Council will meet in a closed session on July 9th with City Attorney Christi Hogin to discuss options.

Background

The Coastal Commission was the issuing agency for Malibu's coastal development permits before the City's incorporation in 1991. The City has never issued a coastal development permit and the Coastal Commission has and continues to issue coastal development permits for many coastal jurisdictions that do not have certified coastal development permits. The Coastal Commission has refused to continue issuing CDPs in Malibu and has also refused to enter into a cooperative agreement with the City to provide for permit processing.

The City of Malibu was incorporated on March 28, 1991. Located in Northwest Los Angeles County, the City has 22 miles of coastline along the Pacific Ocean and a population of 12,575.

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